

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: MARIE'S MEADOW INFILL SHORT PLAT

Case Number: PLD2006-00055; SEP2006-00111

Location: 7912 NE Ward Road

Request: The applicant is proposing to divide approximately 1.16 acres located in an R1-6 zoning district into 8 single-family residential lots utilizing the Tier II Infill provisions.

Applicant: Moss and Associates
717 NE 61st Street, Suite 202
Vancouver, WA 98665
(360) 260-9400; (360) 260-3509 [Fax]
Steve@mossandassociates.net

Contact Person: Same as applicant

Property Owner: Barry and Stephanie Agard
6102 NE 119th Street
Vancouver, WA 98686

DECISION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** August 17, 2006

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Vicki Kirsher	4178	vicki.kirsher@clark.wa.gov
Engineer: (Trans. & Stormwater)	Doug Boheman	4219	doug.boheman@clark.wa.gov
Engineer: (Trans. Concurrency)	Richard Gamble, P.E.	4384	richard.gamble@clark.wa.gov

Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater)	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency)	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: Urban Low Density Residential

Zoning: R1-6

Parcel Number(s): Tax Lot 7 (104183-070), located in the Southwest Quarter of Section 1, Township 2 North, Range 2 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Sections: 15.12 (Fire Code); 40.220.020 (Residential Districts); 40.260.110 (Residential Infill); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type II Process); 40.520.010 (Legal Lot Determination); 40.540.030 (Short Plats); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

Heritage Neighborhood Association
Kathy Murphy, President
7517 NE 154th Avenue
Vancouver, WA 98682
(360) 882-4784

Time Limits:

The application was determined to be fully complete on May 31, 2006. Therefore, the County Code requirement for issuing a decision within 78 days lapses on August 17, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on September 28, 2006.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the

same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on February 23, 2006. The pre-application conference application was sufficiently complete to qualify for Contingent Vesting. However, contingent vesting was waived by the applicant for this application. The application was determined Fully Complete on May 31, 2006, and thereby, vested on the Fully Complete submittal date of May 30, 2006.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Heritage Neighborhood Association and property owners within 300 feet of the site on June 14, 2006. Notice of the likely SEPA Determination was published in the "Columbian" Newspaper on June 14, 2006.

Public Comments:

In response to notice no public comments were received.

Project Overview

The subject property is located on north side of Ward Road, approximately 275 feet east of NE 152nd Avenue. An existing dwelling, a mobile home (storage only), two sheds, and a pump house are currently located on the property. All structures will be removed prior to construction of the short plat.

The applicant is proposing to divide approximately 1.16 acres into eight (8) single family residential lots utilizing provisions of the county infill ordinance. Parcels range in size from 4,503 square feet to 7,406 square feet.

The proposed plan [*Exhibit 1*] calls for NE 80th Street to be extended to the western boundary of the subject parcel, and will terminate in a temporary turnaround. Lots 1 through 3 will be served by a 20-foot private access easement while Lots 6 through 8 will obtain access from a second 20-foot easement.

The project site is located within Evergreen School District, Fire District #5, and Park District #5.

The comprehensive plan designation, zoning and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential	R1-6	Single family dwellings
North	Urban Low Density Residential	R1-6	Single family dwellings
East	Urban Low Density Residential	R1-6	Single family dwellings

South	Urban Low Density Residential	R1-6	Single family dwellings
West	Urban Low Density Residential	R1-6	Single family dwellings

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE

Finding 1 – Infill Eligibility

The applicant is proposing to develop this short plat under Tier II infill standards. Criteria for determining whether a parcel is eligible for such development are set forth in CCC 40.2260.110(B). The subject 1.16 acre parcel qualifies to be reviewed under these provisions in that it is a legal lot of record created prior to October 1, 2002, is located within an R1-6 zoning district, contains less than 2.5 acres, can be served by urban services, and has existing residential development on more than fifty (50%) of its non-street perimeter.

Finding 2 – Neighborhood Meeting

CCC 40.260.110(I)(1) requires that a neighborhood meeting be held for Tier II infill developments prior to preliminary application. The applicant submitted documentation that a neighborhood meeting was held in compliance with the infill ordinance [*Exhibit 2, Tab 11*].

Finding 3 – Lot Standards

CCC 40.260.110(I) provides the standards for developing a Tier II infill short plat. Parcels resulting from the proposed land division must comply with the minimum average lot area of 4,500 square feet (Table.260.110-2) and have a maximum density of 9.7 dwelling units per acre. The lot width and depth requirements of the R1-6 zoning district do not apply to infill development.

A review of lots sizes noted on the proposed plan [*Exhibit 1*] reveals the short plat has an average lot size of 5,754 square feet. It should be noted, however, that there are variations between the square footage noted on the plan and staff's calculations of said lot areas. For this reason, a condition will be imposed to ensure the final design complies with the average minimum lot area requirements for infill development within an R1-6 zone. (*See Condition D-1*) The projected density is 7.54 dwellings per acre which is within the maximum allowed.

Finding 4 – Setbacks/Lot Coverage

The applicable setbacks for each lot within a Tier II infill development are as follows:

- Front: 18 feet for garage door or carport entrance, and 10 feet for other parts of the building and/or accessory structures;
- Side: 18 feet for garage door or carport entrance, and 5 feet for other parts of the structure and/or accessory structures;
- Rear: 18 feet for garage door or carport entrance, 5 feet for other parts of the building and/or accessory structures; and 10 feet when rear yard is abutting parcels with existing single family dwellings.

The subject 1.16 acre parcel is bordered on the north, west, and east by lots which are currently developed with single family dwellings. Proposed Lots 6 and 7 have rear yards which will abut such parcels. As a result, the 10-foot rear yard setback requirement applies to these two lots. A plat note identifying this requirement for Lots 6 and 7 will be required. (*See Condition D-6-a*)

On both Lot 1 and Lot 8, the west property line is considered the front lot line. By definition, the eastern boundary line is the rear lot line since it is the opposite and most distant from the front lot line. As a result, these two lots also have rear yards which abut parcels with existing single family dwellings; thereby necessitating a 10-foot rear setback. To avoid any potential confusion at time of building permit application, building envelopes (with distances to all property lines noted) for Lots 1 and 8 must be shown on the final plat. (*See Condition D-2*)

The applicant is proposing an 8.5-foot sidewalk and utility easement on each side of the NE 80th Street extension [See *Transportation Finding 4*]. For those lots with frontage on this street, setbacks shall be measured from the back edge of said easement. A plat note to this effect will be required for Lots 4 and 5. (See *Condition D-6-b*) For Lot 1, the building envelope shall reflect this requirement. (See *Condition D-2*)

The proposed plan calls for a 20-foot easement across Lot 5 to provide access for Lots 6 through 8. Per CCC 40.350.030(B)(11), only three (3) legal lots may use a joint driveway easement to access a public road. In order for the proposed short plat to meet this standard, Lot 5 shall not obtain access from this easement. A plat note identifying this limitation will be required. (See *Condition D-6-c*) Since access from this easement is restricted, structures placed on Lot 5 may be situated 5 feet from the edge of this easement. (See *Condition D-6-d*)

Access to NE Ward Road will be prohibited, and a plat note to that effect is required (See *Transportation Finding 5*). Therefore, the south property line of both Lot 2 and Lot 3 along this street frontage will be considered a rear yard. As a result, a 5-foot setback is allowed. (See *Condition D-6-e*)

The maximum lot coverage by buildings constructed on individual lots is sixty percent (60%). In addition, maximum building height in the R1-6 zone is 35 feet. (See *Condition D-6-f*)

CCC 40.260.110(F)(1) requires the applicable infill development standards be recorded as part of the Developer Covenant to Clark County. To ensure dwellings and other structures constructed on these resulting lots comply with the applicable setbacks and standards this requirement will be placed as a condition. (See *Condition D-5-a*)

Finding 5 – Existing Structures

It is the applicant's intention to remove all existing structures from the premises prior to construction of the subdivision. A condition will be imposed to ensure these buildings are removed, with the necessary permits, prior to final construction. (See *Condition A-1*) In addition, the applicant will need to comply with all applicable asbestos inspection and control regulation in accordance with procedures of the Southwest Clean Air Agency. (See *Condition A-2*)

Finding 6 – Mobile/Manufactured Homes

The applicant has not specifically indicated that manufactured homes may be placed on individual lots resulting from this proposed subdivision. As a result, pursuant to CCC 40.260.130(A)(2), manufactured homes are prohibited on any lot in this plat. (See *Condition D-6-g*)

Finding 7 – State Platting Standards (RCW 58.17)

RCW 58.17.110 requires, among other things for subdivision approval, a finding that safe walking conditions exist for students who walk to school. In the submitted written statement the applicant notes that "all students in this area are bussed to school." However, no documentation supporting this statement was included with the application materials. The applicant shall provide a letter from the school district stating that school

bus service will be provided to and from the subdivision site. If this is not the case and off site walkway improvements are necessary, a post decision review may be necessary to address these issues. (*See Condition D-3*)

Conclusion (Land Use): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

CRITICAL AREAS:

Finding 1 – Contamination

The Washington Department of Ecology (DOE) has submitted a letter, dated June 28, 2006, stating that if contamination of soil or groundwater is discovered on site it must be reported to Ecology's Southwest Regional Office. An advisory condition will be imposed requiring the developers to be alert for contamination during construction, and to notify DOE if contamination is discovered (*See Condition B-4*).

The DOE letter also notes that any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. It identifies several preventative measures to be taken to ensure such discharge does not occur during the course of construction. An erosion and dust control plan is required by County Code (*See Condition A-6*). County inspection staff will monitor erosion and control measures during construction activities.

Conclusion (Critical Areas): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets critical area requirements of the Clark County Code.

TRANSPORTATION:

Finding 1 – Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The development plans propose sidewalk along the frontage of the proposed onsite road. Bike lanes are not required for local access roads. Any remaining improvements along existing NE Ward Road, abutting the site on the south, will provide for pedestrian and bicycle circulation along these roads. Based upon this information, staff finds that the proposed pedestrian/bicycle circulation can be conditioned to comply with Section CCC 40.350.010.

Finding 2 – Circulation Plan

In compliance with Section CCC 40.350.030(B)(2), the circulation plan shall provide adequate cross-circulation for serving the proposed subdivision, and allow future developments to meet the cross circulation standards. The applicant is proposing to extend NE 80th Street to the western boundary of the subject property. Once development of the property to the west of this proposed subdivision is developed, the project will meet the requirement for both block length and block parameter length. Based upon this information, staff finds that the proposed circulation complies with Section CCC 40.350.030(B)(2).

Finding 3 – Frontage Road

With the exception of the existing driveways, the present right-of-way width and roadway improvements for NE Ward Road, classified as an urban principal arterial with center turn and bike lanes (Pr-4cb), meets the requirements of CCC Table 40-350.030-2 and the Standard Details Manual, Drawing #4. The applicant shall remove the existing driveways, in accordance with CCC 40.350.030(B)(4)(d), and replace with county standard curb and gutter. (See *Condition A-3-a*)

Finding 4 – On-Site Road

The proposed NE 80th Street is classified as an urban local residential access road which has a minimum width of 46 feet. The submitted plan shows a 29-foot right-of-way dedication plus an 8.5-foot sidewalk and utility easement on each side to provide for a total of 46 feet of public access. Based on the right-of-way width dedication and the roadway improvement width being proposed for NE 80th Street, the preliminary plat meets requirements of CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #14.

Finding 4 – Access

All lots within this development will take access from NE 80th Street. Direct access onto NE Ward Road will not be permitted. (See *Condition D-6-j*)

Conclusion (Transportation): Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to conditions, meets the requirements of the county transportation ordinance.

TRANSPORTATION CONCURRENCY:

Finding 1 – Concurrency

The applicant submitted a traffic profile for this proposal in accordance with CCC 40.350.020.B.

Staff has determined that the additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards. The intersections in the vicinity of the proposed development would be minimally impacted by the proposed development. Therefore, further analysis and mitigation by the applicant were not required. The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Finding 2 – Safety

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially*

aggravated by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Staff has reviewed signal warrants and turn lane warrants in the vicinity of the proposed development. Due to the relatively minimal impact from this proposed development, mitigation from the applicant is not justified. Therefore, further analysis and mitigation by the applicant are not required.

Conclusion (Concurrency): Based upon the development site characteristics, the proposed transportation plan, the requirements of the County’s transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC 40.350.020.

STORMWATER:

Finding 1 – Applicability

The Stormwater and Erosion Control Ordinance CCC 40.380, adopted July 28, 2000, applies to development activities that result in 5,000 square feet or more of new impervious area within the urban area; single-family residential short plats in an urban area; and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

The project will create more than 5,000 square feet of new impervious surface, involves a single-family residential short plat, and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 2 – Stormwater Proposal

The project proposes to achieve required stormwater quantity control within the proposed lots by infiltrating roof runoff into infiltration trenches. Stormwater quality control for the proposed roadway and driveways will be achieved by Contech Stormwater StormFilter™ units prior to disposal into the infiltration trench. Any roof drainage will be directed to individual infiltration systems.

Finding 3 – Site Conditions and Stormwater Issues

The property is 1.16 acres in area with slopes of 0-5% over 100% of the parcel. The site is covered with grass, scattered shrubs and trees. An existing home, a mobile home, and two sheds are also located on the parcel. The existing improvements and possibly some trees will be removed as part of this development. The preliminary stormwater report indicates that the proposed total area of new impervious surface consisting of roofs and driveways will be approximately 0.17 acres.

The National Resources conservation service (NRCS, formerly SCS) mapping shows the site to be underlain by Lauren Gravelly Loam (LeB) which is classified by AASHTO as A-2 soils. These soils are designated as hydrologic group "B". CCC 40.380 list A-2-4 and A-2-5 soils as suitable for infiltration. The applicant has provided a report from a consulting geotechnical engineering certifying an infiltration rate of 500 inches per hour for the property located at 7912 NE Ward Road.

The report indicates that the stormwater quantity control will be achieved by an underground infiltration system comprised of perforated storm drain pipe. The applicant proposes to infiltrate the full 100-year 24-hour duration storm event. The Preliminary Plat shows the proposed public portion of the storm drain system, an infiltration trench, located within a stormwater tract immediately south of the proposed 80th Street at the eastern boundary of the subdivision. The perforated storm drain pipes serving the individual private lots shall be considered private systems. The proposed roof drains shall be separate systems from the public right-of-way system. Roof drain overflows may be accomplished by installing area drains down gradient from where the foundation drains and roof drains meet. If area drains are used to overflow these private roof drains, grading shall be performed such that existing and future developments are not adversely impacted. *(See Conditions A-5-a and A-5-b)*

The applicant shall provide a contingency plan for preventing adverse impacts to downstream properties that may result from potential failure of the infiltration facilities. *(See Condition A-5-c)*

The applicant proposes that the NE 80th Street stormwater mitigation system and conveyance will be publicly owned and publicly maintained. Any proposed roof drain systems located within the proposed lots shall be privately owned and privately maintained. *(See Condition A-5-d)*

Finding 4 – Infiltration (Public System)

The project proposes to utilize infiltration as a method of stormwater quantity control. According to the Stormwater and Erosion Control Ordinance (CCC 40.380), infiltration of a 100-year storm event is the preferred method for stormwater disposal from the developed site. Natural Resource Conservation Service mapping shows the site to be underlain by Lauren Gravelly Loam (LeB), designated as A-2 soils in accordance with AASHTO classification. Lauren Gravelly Loam is designated as hydrologic group "B". Stormwater and Erosion Control Ordinance (CCC 40.380), lists A-2-4 and A-2-5 soils as suitable for infiltration.

The applicant has submitted a Percolation Testing report for Marie's Meadow Infill Subdivision, dated April 26, 2006, which contains infiltration testing data performed by Thomas McCormack, P.E., Consulting Geotechnical Engineer,. The subsurface exploration consisting of one test pit was conducted on April 21, 2006. The Infiltration test pit was located in the approximate location of the proposed infiltration and is described in the submitted Percolation Testing report, Exhibit 2. One infiltration test was conducted within a test pit at depths of 7 feet in sandy soils at the selected location. Test results are summarized below. In accordance with the provisions of CCC 40.380.40(C)(3)(a), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined in

AASHTO Specification M145 are suitable for infiltration.

The test data, which includes onsite observed infiltration rates, are summarized in the following table:

Date	Test Pit	Depth (feet)	AASHTO Soil Classification	Infiltration Rate (inches/hour) Groundwater Info
4/21/06	Test Pit	7	A-1-a	500 Groundwater was not observed

Finding 5 – Feasibility of Infiltration as a Method of Stormwater Disposal

In accordance with CCC 40.380.040(C)(3), the measured infiltration rate shall be equal to or greater than eight (8) inches per hour. The design of the infiltration systems using a minimum factor of safety of two (2) should be based on one-half of the lowest test rate. However, due to the concerns regarding variations in permeability of soils and groundwater elevation, a higher factor of safety may be required. The Preliminary Stormwater Design Report by Moss & Associates, Inc. proposes a design of the infiltration facility for 100 inches/hour. This equates to a safety factor of 5. Design Infiltration rates and factor of safety are important criteria in sizing infiltration systems to ensure desired performance in these types of soils during the wet-weather season when the infiltration facilities are expected to perform at full capacity.

Staff is concerned, however, that during grading activities the native soil layers may be disturbed to the extent that design infiltration rates could not be achieved. As a result, installation of the infiltration system shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. The timing of representative infiltration tests will be determined at the pre-construction conference. *(See Condition C-1)*

Conclusion (Stormwater): Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. *(See Condition E-1)*

Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is currently available at the site.

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of existing fire hydrants is adequate.

Finding 5 – Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (*See Condition A-7*)

Finding 6 – Fire Apparatus Turnarounds

Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate.

Conclusion (Fire Protection): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

UTILITIES:

Finding 1 – Water and Sewer

Lots resulting from the proposed subdivision are required to connect to public water and sewer. The site will be served City of Vancouver for both water and sanitary sewer. The applicant has provided current utility reviews confirming that services are available to the site.

Prior to final plat approval, the applicant shall provide documentation from the utilities indicated that water and sewer connections have been installed and approved. (*See Condition D-4*)

Finding 2 – Health Department

Submittal of a “Health Department Evaluation Letter” is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable “Health Department Final Approval Letter” must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval

Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See *Condition A-8*)

Conclusion (Utilities): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Except for one (1) lot designated on the final plat as waived, the residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF) and Park (PIF) Impact Fees in accordance with CCC 40.610.

The site is located within:

- Evergreen School District with a SIF of \$3,540.00 per dwelling;
- Park District #5 with a PIF of \$1,799.00 per dwelling (\$1,359.00 for acquisition and \$440.00 for development);
- Orchards sub-area with a TIF of \$1,439.81 per dwelling.

Impact fees shall be paid prior to issuance of building permits for each new lot (See *Conditions D-6-m and E-2*). If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- DS = Determination of Significance **(The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- MDNS = Mitigated Determination of Non-Significance **(The impacts can be addressed through conditions of approval); or,**
- DNS = Determination of Non-Significance **(The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on June 14, 2006 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$178**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Vicki Kirsher, (360) 397-2375, ext. 4178.
Susan Ellinger, (360) 397-2375, ext. 4272.

Responsible Official: Michael V. Butts

DECISION

Based upon the proposed plan [*Exhibit 1*], and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction/Site Plan Review Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction/Site Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1** Prior to demolition of structures on the site, the applicant shall obtain demolition permits from the Clark County Building Division. (*See Land Use Finding 5*)
- A-2** The applicant will need to comply with all applicable asbestos inspection and control regulations in accordance with procedures of the Southwest Washington Clear Air Agency. (*See Land Use Finding 5*)
- A-3 Final Transportation Plan/On-Site** – The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
 - a.** The applicant will be responsible for curb/gutter and detached sidewalk, as necessary, associated with the removal of the two driveways located off of NE Ward Road near the south boundary of this subdivision. (*See Transportation Finding 3*)
- A-4 Transportation:**
 - a.** Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
 - b.** Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.
- A-5 Final Stormwater Plan** – The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. Roof drain overflows may be accomplished by installing area drains down gradient from where the foundation drains and roof drains meet. (See *Stormwater Finding 3*)
- b. If area drains are used to overflow private roof drains, grading shall be performed such that existing and future developments are not adversely impacted. (See *Stormwater Finding 3*)
- c. The applicant shall provide a contingency plan for preventing adverse impacts to downstream properties that may result from potential failure of the infiltration facilities. (See *Stormwater Finding 3*)
- d. Any proposed roof drain systems located within the proposed lots shall be privately owned and privately maintained. (See *Stormwater Finding 3*)

A-6 Erosion Control Plan: The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-7 Fire Marshal Requirements: The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See *Fire Protection Finding 5*)

A-8 Health Department Review: Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (See *Utilities Finding 2*)

A-9 Other Required Documents – The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities

into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

(Example: Deed dedicating required right-of-way)

- A-10 Excavation and Grading:** Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference:** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control:** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control:** Erosion control facilities shall **not** be removed without County approval.
- B-4** Prior to any excavation and construction on the site, the applicant shall notify the contractors to be alert for contamination on the site. If contamination is discovered, it shall be reported to the Washington Department of Ecology. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300 for more information. (*See Critical Area Finding 1*)

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1** The installation of infiltration system shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rate used in the final stormwater analysis is obtained at the exact location and depth of the proposed stormwater infiltration facility. The infiltration investigation shall include laboratory analysis based on AASHTO Specification

M145. The timing of representative infiltration tests will be determined at the pre-construction conference. (See *Stormwater Finding 5*)

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1** Lots resulting from the proposed subdivision shall have an average minimum lot area of 4,500 square feet. (See *Land Use Finding 3*)
- D-2** A building envelope (with distances to all property lines identified) showing a 10-foot rear yard setback from the east property line of Lot 1 and Lot 8 is required on the final plat. Said building envelope for Lot 1 shall be measured along NE 80th Street from the back edge of the sidewalk and utility easement. (See *Land Use Finding 4*)
- D-3** The applicant shall provide a letter from the school district stating that bus service will be provided to and from lots created by this short plat. (See *Land Use Finding 7*)
- D-4** Prior to final plat, the applicant shall provide documentation from the utility purveyors indicating water and sewer connections to the new lots have been installed and approved. (See *Utilities Finding 1*)
- D-5 Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:
 - a.** Development on Infill Parcels: Dwellings and other structures on lots within this plat shall be constructed in accordance with height restrictions, lot coverage, parking requirements and other applicable standards for the R1-6 zone set forth in CCC 40.220.010, as modified by infill standards in CCC 40.260.110(G). (See *Land Use Finding 4*)
 - b.** Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
 - c.** Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
 - d.** Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street unless it is upgraded to public street standards at the

expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."

- e. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.
- f. Archaeological: "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-6 Plat Notes – The following notes shall be placed on the final plat:

- a. A rear yard setback of 10 feet is required for Lots 6 and 7. (*See Land Use Finding 4*)
- b. The setback along NE 80th Street on Lots 1, 4, and 5 shall be measured from the back edge of the sidewalk and utility easement. (*See Land Use Finding 4*)
- c. Lot 5 shall not obtain vehicular access from the 20-foot access easement situated along its western property line. (*See Land Use Finding 4*)
- d. A 5-foot setback from access easement is allowed for structures constructed on Lot 5. (*See Land Use Finding 4*)
- e. The south property line of Lot 2 and Lot 3 is considered a rear yard and a 5-foot setback is allowed. (*See Land Use Finding 4*)

- f. The maximum lot coverage by buildings constructed on individual lots is sixty percent (60%). In addition, maximum building height in the R1-6 zone is 35 feet. *(See Land Use Finding 4)*
- g. Mobile Homes: "Mobile home are prohibited on all lots created by this short plat subject to the requirements of CCC 40.260.130." *(See Land Use Finding 6)*
- h. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages.
- i. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- j. Driveways: "No direct access is allowed onto the following streets: NE Ward Road." *(See Transportation Finding 4)*
- k. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- l. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _____."
- m. Impact Fees: "In accordance with CCC 40.610, except for one (1) lot designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$3,540.00 (Evergreen School District); \$1,799.00 (\$1,359.00 - Acquisition; \$440.00 - Development for Park District #5); and \$1,439.81 (Orchard TIF subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated August 17, 2006 and expiring on August 17, 2009. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

E	Building Permits
	Review & Approval Authority: Customer Service

Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a

result of the permit review and approval process. (See *Fire Protection Finding 2*).

- E-2 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
- \$3,540.00 per dwelling for School Impact Fees (Evergreen School District);
 - \$1,799.00 per dwelling for Park Impact Fees (\$1,359.00 – Acquisition, \$440.00 – Development for Park District #5);
 - \$1,439.00 per dwelling for Traffic Impact Fees (Orchards TIF Sub-area);

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

	Occupancy Permits
F	Review & Approval Authority: Building

Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

G	Development Review Timelines
	Review & Approval Authority: None - Advisory to Applicant

- G-1 Land Division:** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on August 17, 2006. Therefore any appeal must be received in this office by 4:30 PM, August 31, 2006.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;

- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$1,021**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

Attachments:

- Exhibit A – Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011

A copy of the Clark County Code is also available on our Web Page at:
 Web Page at: <http://www.clark.wa.gov>